**HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA**

**WRIT PETITION No.19424 of 2002**

Date: 08-08-2007.

Between :

Guddati Padamavati.

.....Petitioner

And

The Mandal Revenue Officer, Anandapuram Mandal, Visakhapatnam & another.

.....Respondents.

**HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA**

**WRIT PETITION No.19424 of 2002**

**ORDER** :

The main grievance of the petitioner is that the respondents are attempting to demolish the structures of the petitioner in an extent of Ac.2-00 Cents out of Ac.5-00 Cents in Survey No.195/1P of Gambiram village, Anandapuram Mandal, Visakhapatnam District without conducting any inquiry and without serving any notice of eviction or any order of eviction.

According to the petitioner, an extent of five acres was assigned to one Kondru Appanna, an Ex-Service Man, in the year 1980. Thereafter i.e. after a lapse of about 17 years, the petitioner has purchased an extent of Ac.2-00 Cents from out of the said land under a registered sale deed dated 03.11.1997 for the purpose of establishing a Church, Orphanage, old age home and also a Bible School. When such was the situation, the respondents, without any authority, tried to enter into the said lands to demolish the structures, saying that the said alienation by Kondru Appanna in favour of the petitioner is

contrary to A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 (for short 'the Act').

The learned counsel for petitioner contends that when once an assignment is made in favour of an Ex-Service Man, the said Ex-Service Man cannot alienate the said property for a period of ten years and in terms of G.O.Ms.No.1117, dated 11.11.1993, the said Ex-Service Man can alienate the said property after the expiry of the said period of ten years, and as the petitioner purchased the lands vide registered sale deed dated 03.11.1997, it cannot be said that the same is hit by the provisions of the Act. Further, according to the petitioner, the said action of the respondents in trying to demolish the structures, is without serving any notice of eviction or without conducting any inquiry.

Despite the fact that the respondents are served with the notices, they have not chosen to file any counter.

Having perused the affidavit filed in support of the writ petition, the material papers annexed thereto and after hearing the arguments of the learned counsel for petitioner, it is clear that the said land was assigned in favour of Kondru Appanna on 19.11.1980 and the said sale has taken place on 03.11.1997 i.e. after a lapse of about 17 years. Further, according to Clause 4 of G.O.Ms.No.1117, dated 11.11.1993, the Government, after re-considering the issue, has held that Ex-Service

Men are free to sell away their assigned lands after a period of ten years. In the light of the said G.O., this Court is of the view that it cannot be said that the said alienation made by Kondru Appanna in favour of the petitioner, is hit by Section 3 of the Act.

Accordingly, this writ petition is allowed and the respondents are hereby directed not to interfere with the possession of the petitioner in an extent of Ac.2-00 cents out of Ac.5-00 Cents in Survey Number 195/1P of Gambiram village of Anandapuram Mandal, Visakhapatnam District.

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GOPALAKRISHNA TAMADA, J

8th August 2007

ajr